IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7508 OF 2004

Jagannath Ramhari Kadam & Anr. .. Petitioners.
Vs.
Ganpat Dhanaji Kadam & Ors. .. Respondents.

Mr.Chandrakant Chavan for the petitioners.

CORAM : D.B.BHOSALE, J.

DATED : 14TH SEPTEMBER, 2004

P.C.:

. Heard Mr.Chavan, learned counsel for the petitioners.

2. The petitioners-defendants have filed this petition against the order dated 5.8.2004 passed by the trial court allowing the amendment prayed for by the respondent-plaintiffs. The suit was filed for partition. Exhibit-5 application filed by the respondent was granted restraining the petitioner from carrying out the construction on the suit property. It appears that some construction was already carried out and it was completed after filing of the suit and, therefore, the respondents sought to amend the plaint. The suit was filed on 8.2.2001. The application for amendment was filed

on 10.3.2004. I perused the pleadings and the application for amendment. By way of an amendment the respondents have brought on record the events subsequent to the filing of the suit which, in my opinion, was necessary and it would not cause any prejudice to the petitioners. It does not touch the substratum of the suit. Considering the overall facts and circumstances of the case, in my opinion, no interference is called for in the impugned order. It is open for the petitioner to file additional written statement. With these observations the petition is disposed of.

(D.B.Bhosale, J.)